

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-161320-001 DT

02/15/2013

COMMISSIONER RICHARD ALBRECHT

CLERK OF THE COURT

M. Aldham

Deputy

STATE OF ARIZONA

SARA E BIRKEMEIER

v.

CHRISTA NOEL EVERNHAM (001)

DOB: 08/27/1973

JON MARTINEZ

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

PRETRIAL SERVICES AGENCY-CCC

RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

8:39 a.m.

Courtroom 3A SCT

State's Attorney: James Roche for Sara Birkemeier

Defendant's Attorney: Jon Martinez

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

This is the time for Acceptance of Plea/Sentencing in the above-entitled cause number.

The plea is accepted.

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Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 4 (AMENDED) EXTREME AGGRAVATED DRIVING OR ACTUAL PHYSICAL CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS WITH A BAC OF 0.20 OR MORE

Class 6 Undesignated Felony

A.R.S. § 28-1383(A)(3), 28-1382(A)(2), 28-3001, 28-3304, 28-3305, 28-3315, 13-701, 13-702, and 13-801

Date of Offense: 12/03/2012

Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 4 Probation Term: 2 years

To begin 02/15/2013.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 4 - \$65.00 per month, beginning 04/01/2013.

FINE: Count 4 - Total amount of \$1,372.50, which includes surcharges of 83%, payable \$50.00 per month beginning 04/01/2013.

DUI ABATEMENT FUND: Count 4 - \$250.00, payable \$10.00 per month, beginning 04/01/2013.

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DUI INCARCERATION COST: Count 4 - \$250.00, payable \$250.00 per month, beginning 04/01/2013.

PRISON CONSTRUCTION & OPERATIONS FUND: Count 4 - \$1,500.00, payable \$50.00 per month, beginning 04/01/2013.

STATE GENERAL FUND: Count 4 - \$1,500.00, payable \$50.00 per month, beginning 04/01/2013.

PROBATION SURCHARGE: Count 4 - \$20.00 payable on 04/01/2013.

Count 4: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on 04/01/2013.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 4 - \$13.00 payable on 04/01/2013. Investigative Agency: Phoenix Police Department.

All amounts payable through the Clerk of the Superior Court.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his/her presence.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 18 - Count 4: Be incarcerated in the county jail (deferred) for 45 day(s), beginning 02/15/2013 with credit for 2 day(s) served.**

**Defendant has received 45 days jail, all but 14 days are suspended. If Defendant is not compliant with the Court-ordered alcohol screening, counseling, education and treatment, then the Defendant will be ordered to serve the remainder of the deferred jail sentence.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant shall be screened for Work Furlough.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

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Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Mental Health

Condition 22: Other - Defendant will not operate a motor vehicle without a valid driver's license, minimum mandatory insurance, and the written permission of the supervising probation officer.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 1, 2 and 3.

Count(s) 4: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

The presentence investigation report is filed under this cause number.

8:50 a.m. Matter concludes.

8:51 a.m. The matter is recalled.

8:39 a.m.

Courtroom 3A SCT

State's Attorney:	James Roche for Sara Birkemeier
Defendant's Attorney:	Jon Martinez
Defendant:	Present

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IT IS ORDERED that Count 4 will be reflected in the Sentencing record as “Amended”, and an Amended Plea Agreement will be filed reflecting the change in charge status.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER RICHARD ALBRECHT
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)